

SOCORRO ABELLA SORIANO, PETITIONER, VS. COURT OF APPEALS AND DEOGRACIAS REYES, RESPONDENTS.*G.R. No. 100525. May 25, 1993*

Ponente: REGALADO, J.

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The underlying mandate in the construction of our Rules of Court is that they shall be liberally construed in order to promulgate their object and to assist the parties in obtaining just, speedy, and inexpensive determination of every action and proceeding.[1] The jurisprudential caveat, however, is that the provisions on reglementary periods are strictly applied as they are deemed indispensable to the prevention of needless delays and necessary to the orderly and speedy discharge of judicial business,[2] that strict compliance therewith is mandatory and imperative,[3] and that this stringency applies to the rules on the manner and periods for perfecting appeals.[4]

Nonetheless, such strictures have been relaxed on equitable considerations,[5] and this Court, in the exercise of its equity jurisdiction, has given due course even to appeals perfected out of time when to do so would serve the demands of substantial justice.[6] We, therefore, bear in mind the aforestated decisional rules for a holistic application thereof in the adjudication of the present appeal.

As disclosed by the records, this case originated from an ejectment suit, Civil Case No. 8581 of the Municipal Court of Naga City, filed by petitioner on November 11, 1988 to eject private respondent for non-payment of rentals on two doors of a commercial building leased by the former to the latter on a month-to-month basis.[7] Private respondent answered that he was not a tenant but a usufructuary, and that the monthly payments he was making for his occupancy of the premises were not paid "as rentals but in the concept of security for the enjoyment of said usufruct." [8] Supposedly on the bases of the stipulation of facts, the affidavits and the evidence adduced by the parties, the municipal trial court sustained private respondent's theory, dismissed the complaint and ordered petitioner to pay P5,000.00 as attorney's fees.[9]

On appeal to the Regional Trial Court, Branch 21 at Naga City, docketed therein as Civil Case No. RTC 89-1791, the judgment of the trial court was affirmed on October 24, 1989, with the modification that the award for attorney's fees was deleted.[10] Petitioner then proceeded to respondent Court of Appeals, and this is where a procedural imbroglio was occasioned by the following resolution of said respondent court in CA-G.R. SP No. 19294 promulgated on December 28, 1989:

"The petitioner first filed with Us on November 17, 1989 a motion for extension of time within which to file a Petition for Review which this Court granted per Our Resolution of November 23, 1989. On December 5, 1989 said petitioner again filed a motion for extension of time specifying a period of ten (10) days from December 5, 1989 within which to file said petition for review and then again on December 15, 1989, petitioner filed a third (motion for) extension of time specifying this time a period of ten (10) days from December 15, 1989 within which to file said petition for review and up to this date no such petition has been filed.

"In *Lacsamana vs. IAC*, 143 SCRA 643 at pp. 650-651, it was held that "(B)eginning one month after the

promulgation of this Decision, an extension of only fifteen days for filing a petition for review may be granted by the Court of Appeals, save in exceptionally meritorious cases." Under Rule 6, Section 3 of the Revised Internal Rules of this Court, it is stressed very clearly that "(U)pon proper motion presented before the expiration of the original reglementary period, the Court may grant a non-extendible additional period of fifteen (15) days save in exceptionally meritorious cases within which to file the petition for review.

"WHEREFORE, the third motion for extension of time dated December 15, 1989 is DENIED and the proposed petition for review is DISMISSED and/or DENIED due course" (Emphasis in the original text; words in parentheses supplied.)[11]

Petitioner thereafter filed a motion for reconsideration and respondent court, this time through the same ponente but with two different members composing its Eleventh Division, denied the same in a resolution promulgated about one and a half years later on June 17, 1991 which felicitously reveals the reasons submitted by petitioner why she had to resort to her three preceding motions for extension of time to file her petition for review, and why respondent court dismissed and/or denied the petition even before it was filed, thus:

"By Our Resolution of December 28, 1989, We had denied the petitioner's third Motion for Extension of Time to file her petition for review following the holding in *Lacsamana vs. IAC*, x x x.

"But again on December 29, 1989, this Court was in receipt of still a 'Motion for Last Extension' where petitioner's lawyer had asked 'for a last extension of 3 days from today within which to file said petition' and the motion was dated December 26, 1990.

"Finally, the petition for review was filed with Us on January 4, 1990.

"On January 10, 1990, the petitioner filed a motion for reconsideration seeking the reconsideration of the Resolution of this court dated December 28, 1989 which denied said petitioner's third motion for extension of time to file her petition for review.

x x x

"The petitioner in her motion for reconsideration argued that the ruling in *Lacsamana* allows certain exceptions, i.e., "save in exceptionally meritorious cases" and stressed that it is a matter of public knowledge that a civil disturbance occurred from December 1 to 7 in the attempted coup d'etat which prevented most offices in Metro Manila from operating and functioning. Counsel said that he resides in Dasmariñas Village which was within the combat zone and he was not even able to leave his residence for the duration of said civil disorder. When he was able to report for work, his companions in the office were not available because they had evacuated to the province and there was no available transportation to carry them back to Manila. Other abnormal situations took place in that month, one in the San Roque Parish Church where two priests were taken hostage by two persons and another, an incident involving a threat to strike by employees of the San Juan de Dios Hospital and in the Espiritu Santo Parochial School in which incidents counsel had been under professional engagements with the affected parties. That finally, after the Christmas holidays, on December 29, there was a breakdown of the computers in the office of counsel and thus by force majeure, the counsel could not submit his petition for review but was again forced to ask for another five (5) days extension. Only when the computers were repaired was the petition for review put to print and was filed with this Court.

"We recognize the exceptional circumstances narrated by counsel which at least for the period from December 1 to December 15 could have adversely affected counsel's work and for that reason could have prevented him from filing the petition for review. But beyond December 15 to the time the petition for review was actually filed, there was no longer any exceptional circumstance which could have prevented petitioner's lawyer from coming up with his petition for review and submitting it in Court.

x x x

"It is therefore most unfortunate that the motion for reconsideration has to be denied and consequently also, the petition for review filed with Us has to be dismissed.

"WHEREFORE, the petition for reconsideration is DENIED and the petition for review which was filed beyond the allowable period is DISMISSED." [12]

Petitioner sought relief from the aforequoted twin resolutions in a petition for review on certiorari filed with this Court on August 9, 1991. Said petition was initially denied in our resolution of October 14, 1991, [13] but on a favorable review of the arguments of petitioner in her motion for reconsideration of November 14, 1991, [14] we resolved on December 9, 1991 to grant said motion and reinstate the petition for review, at the same time requiring private respondent to comment thereon. [15]

Private respondent sought and was granted two extensions of thirty (30) and fifteen (15) days in our resolutions of February 17, 1992 and March 25, 1992, respectively, [16] but despite his due receipt thereof, nothing was heard from him thereafter. We were consequently constrained, in our resolution of July 1, 1992, [17] to require him and/or his counsel to show cause why they should not be disciplinarily dealt with or held in contempt for such failure, and to comply with the aforesaid resolution of December 9, 1991, both within ten (10) days from notice. It was only on August 10, 1992 that respondent's counsel surfaced with a so-called "Compliance Cum Motion."

Finding his explanation unsatisfactory, since it merely alleged that he suffered "pneumonia and heart attack" but without submitting any supporting document therefor and for not filing even the corresponding motion or manifestation with the Court although he practices with associates who are collectively counsel of record for private respondent, said counsel was fined P500.00 but his motion for an extension of ten (10) days from notice within which to file the required comment was granted in our resolution of September 7, 1992. [18] This notwithstanding, and although the comment was due on October 10, 1992, the same was actually filed on October 12, 1992 allegedly because of the death of said counsel's mother-in-law in San Narciso, Zambales, in consideration of all of which we opted to admit his 5-page comment in our resolution of October 27, 1992. [19] Parenthetically, the petition for review filed by petitioner in CA-G.R. SP No. 19294 of respondent court, and which is the eye of the present judicial maelstrom, consists of 27 textual pages. [20]

Now, if we have deigned to narrate the foregoing circumstances in detail, it is but in obeisance to the doctrinal precepts set out in limine, one of which is that to warrant judicial condonation of a litigant's belated compliance with the periods provided by the rules or ordered by the court there must be cogent reasons and equitable considerations arguing in his favor. For that reason, we have prefatorily noted that the supervision of delay in point of time cannot be imputed to petitioner alone. We consider as quite uncompromising the view adopted by respondent court in its impugned resolution since petitioner incurred in delay consisting of at most eighteen (18) days under comparatively abnormal conditions. On the other hand, without such contretemps, it took private respondent all of two hundred fifty-four (254) days to file his abbreviated comment. And, as earlier noted, respondent court resolved petitioner's motion for the reconsideration of its original denial resolution about one and a half (1 1/2) years later.

While, therefore, this observation regarding defaults likewise on the part of private respondent and respondent court cannot be invoked as a brief or a justification by petitioner for her own supposed delay, the foregoing comparative scenarios cannot be entirely disregarded. At the very least, they lend substance to the verity that certain circumstances beyond the expectation or control of a party could cause his non-compliance with what is required of him, and that any blame therefor should not unmitigatedly be visited on his head alone without at all considering similar situations obtaining in the very same case.

According to the records, petitioner had up to November 19, 1989 to file her petition for review with respondent

court, but since November 19, 1989 was a Sunday, the first 15-day extension seasonably sought from and granted by respondent court expired on December 5, 1989. As already narrated, petitioner thereafter sought two successive extensions of ten (10) days each and, ultimately, a last extension of three (3) days after which she duly filed her petition. The reasons therefor have earlier been recounted and we take cognizance of the events and consequences thereof, that is, the coup d'état, the fact that the Makati area was occupied by rebel military factions, the need for subsequent clearing of the district of barricades and possible land mines or explosives, the failure of the employees of petitioner's counsel to report to work thereafter, the breakdown of the computers in the office of said counsel, and his necessary but unexpected preoccupation with the emergencies posed by the hostagship of the priests and the threatened strike of hospital and school employees involving his clients.

Respondent court does not consider the incidents after December 15, 1989 as sufficient justification for petitioner's pleas for additional extensions of time, but gives no reason therefor. On the other hand, private respondent expressed disbelief in the truth of the facts reported by petitioner's counsel explaining his predicament, but neither does private respondent adduce any evidence to the contrary. It may be granted that such positions taken by respondents are matters of perception but, to our mind, these appear to be more of nitpicking and resort to technicalities which consequently lose sight of the desirable judicial overview of an actual legal impasse.

On the contrary, we find significance in the fact that petitioner's counsel only asked, in piecemeal fashion as it were, for a few days extension at a time, that is, after the lapse of the 15-day reglementary period he twice sought the understanding grant of extensions of ten (10) days and, lastly, five (5) days. We say this is significant since it induces belief in said counsel's good faith, the truth of his assertions, and the absence of intent to delay the proceeding. For, undoubtedly, in anticipation of the lapse of the reglementary period on December 5, 1989, petitioner's counsel could very well have moved for an extension of thirty (30) days in view of the civil disorder and the uncertainty of its consequences, and he would be acting within the ambit of *Lacsamana* on the matter of "exceptionally meritorious cases" and for which additional extension no specific time limit is imposed.

The fact that he, instead, asked successively for those extensions of only a few days each clearly shows that he anticipated, albeit erroneously, that the situation would normalize within the periods contemplated in each of his motions. Having been proved wrong as the aberrant situation progressed, punctuated by other subsequent and unexpected events, he had perforce to backtrack on his original expectations and seek additional extensions. We do not find it in the interest of enlightened justice to punish a litigant for incurring in delay due to a miscalculation on the ultimate denouement of a parlous situation as shown only in the light of after-events.

Nor is the foregoing the only consideration for the favorable view that we take of this petition. We are not unmindful of the line of decisions handed down by this Court, some of which are invoked by petitioner,[21] wherein the hand of equity reached out to stay the dismissal of an appeal on mere technicalities or by the inflexible application of the rules, especially when the non-compliance with said rules was neither intended for delay nor resulted in prejudice to the adverse party. In this case, as underscored by petitioner,[22] any delay in its disposition cannot prejudice private respondent as he was and continues in the possession of petitioner's property subject of this case and for which occupancy he has long stopped paying rentals or any form of compensation.

In *Serrano vs. Court of Appeals, et al.*, we specifically declared that "even assuming that a petition for review is filed a few days late, where strong considerations of substantial justice are manifest in the petition, this Court may relax the stringent application of technical rules in the exercise of equity jurisdiction. In addition to the basic merits of the main cause, such a petition usually embodies justifying circumstances which warrant our heeding the petitioner's cry for justice, in spite of earlier negligence of counsel." [23]

Now, on the merits of the main case, the evaluation of which also enters into the determination of whether the

situation here qualifies as an "exceptionally meritorious case" contemplated in *Lacsamana*, we have heretofore observed that private respondent resisted the ejectment suit on the ground that he was not a lessee on a month-to-month basis but a lifetime usufructuary, and that the amount he was paying petitioner was a "security for the enjoyment of said usufruct," a concept which bewilders us, especially since we do not find in the record any written memorial of such usufruct although the same is a real right which requires a writing when constituted by the will of the parties.[24] Curiously, private respondent also referred to the payments as "rentals," "compensation for the use and occupation of the premises," and "advances for real estate tax." [25]

However, in the Preliminary Conference Order[26] rendered in Civil Case No. 8581 by the trial court, private respondent made the following admissions:

- "1. that there is no written contract between plaintiff and defendant regarding the use and occupation of the premises subject of this case;
2. that the compensation for the use and occupation of the premises being paid by the defendant through the plaintiff was being paid monthly;
3. that whatever defendants paid in monthly amounts for the use and occupation of the premises, every month they would do so by depositing such amount to the account of the plaintiff in the Bank of (the) Philippine Islands, Naga City Branch;
4. that in the year 1988 for the period March to September 1988, the defendants paid the amounts due to the plaintiff for that period March to September 1988 only on September 19, 1988 by depositing the amount of P11,550.00 to the account of the plaintiff in the Naga City Branch of the Bank of (the) Philippine Islands;
5. that plaintiff before September 19, 1988 made demands on the defendants to pay the rentals in arrears and to vacate the premises;" (Underscoring supplied.)

It is a source of puzzlement to us, therefore, that what obviously and plausibly appears to be a simple ejectment suit for non-payment of rentals has now assumed the proportions of a procedural cause celebre generated by a coup d'etat and, as may be gleaned from the records, fueled by acrimonious exchanges between petitioner's counsel and the presiding judge of the Regional Trial Court of Naga City to which the case was appealed in the first instance. It cannot be over-emphasized that a full-blown review of the proceedings in the two courts below should accordingly be essayed, not only because of the cries of injustice by petitioner, but to fathom how a verbal lease contract could metamorphose into a supposed conventional usufruct, not only for a reasonable period but for the lifetimes of the alleged usufructuaries.

Petitioner urges us to take the same course of action that we have followed in some cases,[27] that is, that instead of remanding the case for further proceedings, we now resolve the contentious issues between petitioner and private respondent since the same are supposed to be purely legal, that petitioner is of advanced age and has been deprived of income from her property subject of this case for more than five (5) years, and that we putatively have before us all the data for deciding the said controversy.

We have long adopted that very procedure in other cases, in the interest of speedy administration of justice, but we are not persuaded that on the bases of the records before us we can arrive at a thorough and judicious decision in the case at bar. It must be recalled that this case was antecedently elevated to respondent court on a petition for review but having been dismissed, the factual questions which are necessarily present and involved in such a recourse were never passed upon nor clarified. We need not belabor the fact that respondent court is in a better position to unravel the disputed facts in this case because of its trial jurisdiction, whereas this Court is not a trier of facts and should be relieved of that burden. It may be mentioned that this is primarily the rationale for the creation of such an intermediate appellate court.[28]

Indeed, there are a number of factual matters in this case requiring incision or excision by the evidentiary scalpel, such as the specific provisions of the alleged agreement on lifetime usufruct, if true, and how it came to be; the truth regarding the amounts and the real nature or purpose of the payments made by private respondent to petitioner; the former dispositions made of the same and the demandability of future obligations on that account; and the evidentiary moorings of the judgment of the trial court and the correctness of the factual findings or the procedural miscues of the regional trial court in affirming said judgment on divergent grounds. There is, therefore, a compelling need of proof to supplement for clarity the admissions and negations made by the parties in their pleadings for a provident review of the actuations of the two courts below.

ACCORDINGLY, the assailed resolutions of respondent Court of Appeals, dated December 28, 1989 and June 17, 1991, are hereby ANNULLED and SET ASIDE. The petition for review in CA-G.R. SP No. 19294 is REINSTATED and respondent court is directed to promptly take the corresponding appropriate action thereon consistent with our dispositions made herein.

SO ORDERED.

Narvasa, C.J., (Chairman), and Nocon, JJ., concur.

Padilla, J., no part, former member of law office counsel for petitioner.

[1] Sec. 2, Rule 1, Rules of Court.

[2] Valdez vs. Ocumen, et al., 106 Phil. 929 (1960); Mangali, et al. vs. Court of Appeals, et al., 99 SCRA 236 (1980).

[3] FJR Garments Industries vs. Court of Appeals, et al., 130 SCRA 216 (1984).

[4] Gutierrez vs. Court of Appeals, et al., 26 SCRA 32 (1968).

[5] Bagalanon, et al. vs. Court of Appeals, et al., 76 SCRA 233 (1977); Pimentel, et al. vs. Court of Appeals, et al., 64 SCRA 475 (1975).

[6] Siguenza, et al. vs. Court of Appeals, et al., 137 SCRA 570 (1985).

[7] Annex E, Petition; Rollo, 61-63.

[8] Annex F, Id.,; ibid., 64-69.

[9] Annex J, id.,; ibid., 79-85.

[10] Annex N, id.,; Ibid., 111-119.

[11] Penned by Justice Cezar D. Francisco, with the concurrence of Justices Josue M. Bellosillo and Alfredo A. Marigomen; Rollo, 25-26.

[12] Justice Cezar D. Francisco, ponente, with Justices Alicia Sempio-Diy and Filemon H. Mendoza, concurring; Rollo, 31-33.

[13] Rollo, 133.

[14] Ibid., 134-148.

[15] Ibid., 149.

[16] Ibid., 151, 154.

[17] Ibid., 154-A.

[18] Ibid., 157.

[19] Ibid., 167.

[20] Annex D, Petition; Rollo, 34-60.

[21] Commercial Union Ins., et al. vs. Lepanto Consolidated, et al., 86 SCRA 79 (1978); A-One Feeds, Inc. vs. Court of Appeals, Inc. et al., 100 SCRA 590 (1980); Yap vs. Court of Appeals, et al., 115 SCRA 104 (1982); Vda. de Crisologo vs. Court of Appeals, et al., 137 SCRA 231 (1985); Orata vs. Intermediate Appellate Court, et al., 185 SCRA 148 (1990).

[22] Rollo, 12, 141.

[23] 137 SCRA 231 (1985).

[24] Art. 563, Civil Code.

[25] Rollo, 36.

[26] Annex G, Petition; Rollo, 70.

[27] Limpan Investment Corp. vs. Sundiam, etc., et al., 157 SCRA 209 (1988); Development Bank of the Phil. vs. Intermediate Appellate Court, et al., 190 SCRA 653 (1990); Dimayuga vs. Phil. Comm. & Industrial Bank, et al., 200 SCRA 143 (1991).

[28] See Atlas Consolidated Mining and Development Corporation vs. Court of Appeals, et al., 201 SCRA 51 (1991).

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